

**SANTA FE COUNTY
RESOLUTION 2024- 040**

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT

(If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.)

1	Please summarize the request and its purpose in the area below. The Santa Fe County Sheriff's Office has been awarded funding for the Law Enforcement Retention Fund via Department of Public Safety (DPS) for the purpose of providing law enforcement retention differential disbursements to the eligible Santa Fe County Sheriff's Office deputies listed on Exhibit A. The retention differentials are disbursed to those law enforcement officers who have remained employed with the agency for an additional year upon reaching 4, 9, 14, and 19 consecutive years of employment as a law enforcement officer with the requesting agency (ie. Santa Fe County).		
2	Is this Budget Action for a Recurring or Non Recurring Expense(one-time)	Recurring	Non-Recurring X

3	Does this request impact a revenue source?	Yes	No
		X	

A. Is this a State Special Appropriation? If Yes, cite Statute and attach a copy

B. Does this include state or federal funds? If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

C. Is this request a result of Commission action? If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.)

D. Is a match required? If Yes, please identify funding source in the line below.

PLEASE PROVIDE THE LINE ITEM OF THE MATCH BELOW

FUND	DEPARTMENT	ACTIVITY	ELEMENT	CATEGORY /LINE ITEM	AMOUNT	BUDGETED (Drop Down)

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NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the New Mexico Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 26th Day of March, 2024.

Santa Fe Board of County Commissioners



Hank Hughes, Chairperson

ATTEST:



Katharine E. Clark, County Clerk



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 7

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of March, 2024 at 12:01:23 PM And Was Duly Recorded as Instrument # 2030681 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM



SECT

CLERK RECORDED 03/27/2024



New Mexico
Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

W. TROY WEISLER
CHIEF / DEPUTY SECRETARY

February 8, 2024

Santa Fe County
35 Camino Justicia
Santa Fe, NM 87508

Attn: Adan Mendoza

Re: Law Enforcement Retention Fund – Notice of Intent to Disburse - Revised

Dear Law Enforcement Partner:

DPS is in receipt of the Santa Fe County request for a disbursement of funds from the Law Enforcement Retention Fund ["LERF"] for the purpose of providing law enforcement retention differential disbursements to the Santa Fe County Sheriff's Office officers listed on **Exhibit A** and paying the employer tax liability (consisting of payroll taxes outlined in the Federal Insurance Contribution Act for Social Security and Medicare but not any employer contribution for retirement or other benefit plans) related to each law enforcement retention differential disbursement to be paid.

DPS has reviewed the information the Santa Fe County submitted to the DPS as required by NMSA 1978 Section 9-19-14 and the then extant emergency rule NMAC 10.2.4.9 in order to be an agency eligible to receive monies from the LERF. The information submitted appears to substantially comply with that required to be submitted by the statute and the rule.

Based on the information provided by the Santa Fe County for each officer for whom a request was made, DPS has asked the Secretary of the Department of Finance and Administration ["DFA"] to issue a warrant to the Santa Fe County in the amount of **\$63,232.44**. Of the \$63,232.44, \$62,328.68 is attributable to the projected retention differential disbursement ["PRDD"] and \$903.76 is attributable to the employer tax liability for Federal Insurance Contribution Act ["FICA"] or Medicare.

Since the balance in the LERF is sufficient to pay all PRDDs requested by all eligible law enforcement agencies as well as the employer tax liability for FICA or Medicare attributable to each PRDD requested, no pro rata deduction was applied to the amounts requested.

If you believe the amount DPS has advised DFA that DPS will disburse to the Santa Fe County for the purpose of paying retention differential disbursements to the officers listed on Exhibit A and the employer tax liability for FICA and Medicare attributable to each PRDD is correct, please sign the acknowledgement below and return the signed

SFC CLERK RECORDED 03/27/2024

acknowledgement of the Notice of Intent to Disburse to DPS.LERF@dps.nm.gov no later than Friday, February 16, 2024.

If you believe the amount DPS has advised DFA that DPS will disburse to the Santa Fe County for the purpose of paying retention differential disbursements to the officers listed on Exhibit A and the employer tax liability for FICA and Medicare attributable to each PRDD **is incorrect, the Santa Fe County has thirty (30) days from your receipt of this Notice of Intent to Disburse to submit Objections to the Notice of Intent to Disburse to DPS.LERF@dps.nm.gov.**

DPS will review your objections and respond as soon as possible.

Please be advised that disbursement of LERF funds to Santa Fe County, obligates the Santa Fe County to the following:

- 1) Any monies disbursed to for the purpose of paying PRDDs and related tax liability may not be paid to an eligible officer until the date the officer attains eligibility⁴⁹;
- 2) Once an officer attains eligibility, the PRDD should be paid to the officer no later than thirty (30) days following the date the officer attains eligibility. If an officer has attained eligibility, but departs from the agency prior to the disbursement of LERF funds to your agency, the officer shall remain eligible for payment;
- 3) Tax liability for FICA and Medicare related to the PRDD must be paid in accordance with applicable law;
- 4) Monies disbursed for the purpose of providing PRDDs to those officers who are projected to, but who have not yet attained eligibility therefor, should be placed in an interest-bearing account;
- 5) Monthly reporting to DPS on or before the tenth day of the month following the disbursement of funds to an eligible officer or the non-disbursement of funds to an officer projected to be but ultimately found to be ineligible for a disbursement. The monthly reporting will include the name of the officer, the amount paid or not paid and, if not paid, the reason therefore;
- 6) Monies disbursed from the LERF which are not paid out as PRDD or taxes by your agency, shall be reported to DPS as not having been paid out, **no later than Wednesday, July 31, 2024**. DPS will provide a reporting template for your use. All funds shall be returned to DPS for redeposit into the LERF **no later than Friday, August 30, 2024**.

If you are a **state agency and** have not been contacted by DPS with respect to the detailed SHARE accounting information needed to disburse funds to your agency via operating transfer, please contact Louise Riebe, ASD Director of Special Projects, at louise.riebe@dps.nm.gov or 505-827-9080. Disbursement will not occur until DPS has been provided with the detailed account information and financial point-of-contact required.

⁴⁹ The officer attains eligibility to receive the PRDD the day following the date on which the officer completes one year more than four, nine, fourteen or nineteen consecutive years of employment with your agency.

If you are **not a state agency**, a manual warrant will be issued for the monies to be disbursed to you from the LERF. If you have not already done so, please contact Louise Riebe, ASD Director of Special Projects, at louise.riebe@dps.nm.gov or 505-827-9080 to advise her of:

- 1) The legal name of the entity entitled to receive the LERF funds, e.g., the City of _____, etc.; and
- 2) The name or job title and preferably, both, and the address of the individual to whose attention the warrant should be addressed for delivery by certified mail, return receipt requested.

Should you have any questions regarding this Notice of Intent to Disburse, please do not hesitate to contact DPS Administrative Services Division Director ["ASD"] Sylvia M. Serna at DPS.LERF@dps.nm.gov or 505-629-6865.

Very truly yours,



Jason R. Bowie
Cabinet Secretary

Cc: Kenneth Johnson

ACKNOWLEDGEMENT

I hereby swear or affirm under penalty of perjury that I, Gregory S. Shaffer on behalf of the Santa Fe County have received this Notice of Intent to Disburse to the Santa Fe County from the LERF the sum of **\$63,232.44**. I understand that of the \$63,232.44, disbursed, \$62,328.68 is attributable to PRDD and \$903.76 is attributable to the employer tax liability for Federal Insurance Contribution Act ["FICA"] and Medicare. I further acknowledge the obligations placed on the Santa Fe County as set forth in the Notice of Intent to Disburse with respect to the receipt, handling, further disbursement and return of the monies disbursed from the LERF.

Date: 2/16/2024

Gregory S. Shaffer, County Manager

Printed name and job title of
individual legally authorized to bind the
agency



Signature of individual legally authorized
to bind the agency

Approved as to form by Roberta D. Joe, Assistant County Attorney
for J.Y., Santa Fe County Attorney 2/15/2024


Santa Fe County Finance 2/16/2024

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New Mexico Department of Public Safety
 Law Enforcement Retention Fund
 2023 - Year 2 Eligible Officers
 Revised February 8, 2024

Agency	Officer ID	Name	Year	Compensation	5% PRDD	Social Sec	Medicare	Total	Annlv	Note
Santa Fe County Sheriff's Office	5447	Aaron Pool	4	\$ 60,380.32	\$ 3,019.02	\$ -	\$ 43.78	\$ 3,062.80	10/6/2023	
Santa Fe County Sheriff's Office	5433	Clay Cullison	9	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	7/29/2023	
Santa Fe County Sheriff's Office	5437	Daniel Martinez	4	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	4/27/2024	
Santa Fe County Sheriff's Office	5427	Diego Lovato	4	\$ 60,380.32	\$ 3,019.02	\$ -	\$ 43.78	\$ 3,062.80	2/9/2024	
Santa Fe County Sheriff's Office	5465	Frederick Trujillo	4	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	3/2/2024	
Santa Fe County Sheriff's Office	5468	Joel Vigil	9	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	10/28/2023	
Santa Fe County Sheriff's Office	5469	Johnathen War	4	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	1/26/2024	
Santa Fe County Sheriff's Office	5417	Jonathan Jaramillo	9	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	6/30/2024	
Santa Fe County Sheriff's Office	5422	Justin Gioffredo	4	\$ 76,520.50	\$ 3,826.03	\$ -	\$ 56.48	\$ 3,881.51	2/9/2024	Separated per email 02-01-2024
Santa Fe County Sheriff's Office	5418	Kenneth Johnson	4	\$ 129,600.64	\$ 6,480.03	\$ -	\$ 93.96	\$ 6,573.99	1/1/2024	
Santa Fe County Sheriff's Office	5455	Manuel Segura	4	\$ 60,380.32	\$ 3,019.02	\$ -	\$ 43.78	\$ 3,062.80	5/11/2024	
Santa Fe County Sheriff's Office	5391	Marcella Archuleta-Bernal	9	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	6/30/2024	
Santa Fe County Sheriff's Office	5431	Michael Delgado	19	\$ 102,408.59	\$ 5,120.43	\$ -	\$ 74.25	\$ 5,194.68	9/22/2023	
Santa Fe County Sheriff's Office	5423	Rachel Webber	14	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	12/29/2023	Separated per email 02-01-2024
Santa Fe County Sheriff's Office	5439	Samuel Mendoza	4	\$ 90,338.00	\$ 4,516.90	\$ -	\$ 65.50	\$ 4,582.40	1/1/2024	
Santa Fe County Sheriff's Office	5405	Shannon Coles	19	\$ 76,520.50	\$ 3,826.03	\$ -	\$ 55.48	\$ 3,881.51	4/5/2024	
Santa Fe County Sheriff's Office	5445	Stephen Orr	14	\$ 71,991.92	\$ 3,599.60	\$ -	\$ 52.19	\$ 3,651.79	11/17/2023	
Santa Fe County Sheriff's Office	5393	Timoteo Benavidez	19	\$ 90,628.51	\$ 4,531.43	\$ -	\$ 65.71	\$ 4,597.14	7/28/2023	
Agency Total			16	\$ 1,246,572.56	\$ 62,328.68	\$ -	\$ 903.76	\$ 63,232.44		